

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**AMENDED JUDGMENT ON ATTORNEY FEES**

**JOLIE L. STORM, as Administrator of Estate of Michael K. Storm d/b/a Storm Construction**

**VS.**

**CASE NUMBER: 1:02-CV-707(FJS/DRH)**

**AQUATIC BUILDERS, LTD.; LIBERTY MUTUAL INSURANCE COMPANY d/b/a LIBERTY BOND SERVICES; CANANDAIGUA RECREATION DEVELOPMENT CORPORATION; THE CANANDAIGUA NATIONAL BANK & TRUST COMPANY; CANANDAIGUA MESSENGER, INC.; COMMON WEALTH LUMBER; MATTHEWS & FIELDS LUMBER OF HENRIETTA, INC.; ESCO OF CANANDAIGUA, INC.; EAST SIDE CARPENTRY, INC.; and RUTNER-IRON CO., INC.**

**[X] Decision by Court.** This action came to Jury Trial, the Jury was unable to reach a unanimous verdict, therefore the Court declared a mistrial. Motions were then brought before the Court. The issues have been heard and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED**

That defendant Canandaigua National Bank & Trust Company, was dismissed on 12/16/2004, as the Motion to Dismiss pursuant to Rule 19 of the Federal Rules of Civil Procedure was granted.

The following defendants' Common Wealth Lumber; Canandaigua Recreation Development Group; ESCO of Canandaigua Inc.; Canandaigua Messenger, Inc.; and Rutner-Iron Co., Inc., were terminated from this action in open Court on 1/10/2005.

That defendant East Side Carpentry, Inc., was dismissed on 1/13/2005 pursuant to the Stipulation of the parties, East Side Carpentry, Inc., is entitled to judgment in the remaining amount owed of \$31,245.17, plus interest.

That defendant Matthews & Fields Lumber of Henrietta, Inc., was dismissed on 1/14/2005, pursuant to the Stipulation of the parties, Matthews & Fields Lumber of Henrietta, Inc., is entitled to judgment in the amount of \$15,136.33, plus interest.

That the Motion to Substitute Party Jolie L. Storm as Administrator of the Estate of Michael K. Storm was granted on 1/18/2005.

That the renewed Motion for Judgment as a Matter of Law dismissing plaintiff's claims was granted as to Aquatic Builders, Ltd and Liberty Mutual Insurance Company on 5/10/2007, further ordered granting Defendant Aquatic Builders' counterclaim in the amount of \$75,487.15.

That the Motion for Attorney Fees by defendant Aquatic Builders' Ltd, was granted in the amount of \$51,707.40 and costs in the amount of \$7,202.08 on 3/31/2009.

All of the above pursuant to the Stipulations of the parties filed on 1/13/2005 and 1/14/2005 and the Orders of the Hon. Frederick J. Scullin, Jr., dated 12/16/2004, 5/10/2007 and 3/31/2009.

DATED: April 2, 2009

  
Clerk of Court



s/ \_\_\_\_\_

By: Joanne Bleskoski

Deputy Clerk